

"PATENT"**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No : 10/717,056 Confirmation No.: 7205
Applicant : Palanisamy ARJUNAN et al.
Filed : November 19, 2003
TC/A.U. : 1713
Examiner : Roberto RABAGO
Title : High temperature bulk polymerization of branched crystalline polypropylene
Docket No. : 2002B169/2
Customer No. : 23455

MAIL STOP PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.132
TRAVERSING A REJECTION UNDER 35 U.S.C. §102(e)

Dear Sir:

This Affidavit is submitted to offer a showing that the claimed subject matter in the above referenced patent application that is disclosed in U.S. Patent Application No. 2004/0132935 to Arjunan et al. (Arjunan-935) cited as prior art under 35 U.S.C. § 102(e) in the above referenced Patent Application is Applicant's own work, and thus should be removed from consideration as a reference in the prosecution of the above referenced Patent Application. This affidavit is submitted concurrently with a response to the Office Action dated April 26, 2006.

According to 35 U.S.C. § 102(e) a person shall be entitled to a patent unless:

(e) the invention was described in –

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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USSN: 10/717,056
Atty. Docket No.: 2002B169/2
Affidavit of Palanisamy Arjunan

According to MPEP § 716.10 "Attribution", under certain circumstances an affidavit or declaration may be submitted which attempts to attribute an activity, a reference or part of a reference to the applicant. If successful, the activity or the reference is no longer applicable. When subject matter, disclosed but not claimed in a later application filed by the inventor and another, is claimed in a later application filed by the inventor, the joint patent or publication is a valid reference under U.S.C. § 102(a), (e), or (f) unless overcome by an unequivocal declaration by the inventor under 37 CFR 1.132 that he conceived or invented the claimed subject matter disclosed in the patent or published application.

U.S. Patent Application No. 2004/0132935 to Arjunan et al. (Arjunan-935) was filed October 9, 2003, and claims priority to Provisional Application No. 60/421,030 filed October 24, 2002. Arjunan-935 list 4 inventors, namely:

Palanisamy Arjunan, Houston, TX (US);
Patrick Brant, Seabrook, TX (US);
Thottinal A. Mathew, Houston, TX (US); and
James Charles Vizzini, Pasadena, TX (US).

Arjunan-935 is an application filed prior to the instant application. Arjunan-935 lists Palanisamy Arjunan as an inventor, and Palanisamy Arjunan is the inventor of the instant application. Accordingly, an unequivocal declaration by Palanisamy Arjunan under 37 CFR 1.132 that he conceived or invented the subject matter claimed in the present application and disclosed in Arjunan-935 will remove Arjunan-935 as a prior art reference in the instant application.

Applicant contends that the subject matter of Arjunan is not material to that of the presently claimed invention. However, even if the reference could be construed as relevant to the instant application, according to MPEP 2136.05, a 35 U.S.C. § 102(e) rejection can be overcome by showing the reference is describing applicant's own work.

The statute requires an unequivocal declaration by applicant under 37 CFR 1.132 that he conceived or invented the claimed subject matter disclosed in the patent or published application. Disclaimer by the other patentees or other applicants of the published application is not required.

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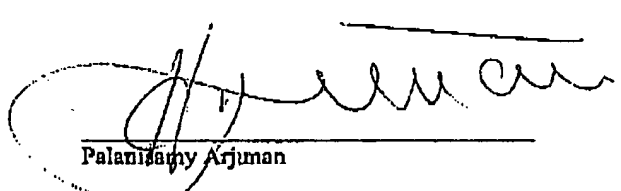
USSN: 10/717,056
Atty. Docket No.: 2002B169/2
Affidavit of Palanisamy Arjunan

Declaration Palanisamy Arjunan

1. My name is Palanisamy Arjunan
Mailing address: 16314 Hazy Pines Court, Houston, TX 77059
2. All statements herein made of my own knowledge are true and all statements made on information and beliefs are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon.
3. I, Palanisamy Arjunan am a listed inventor of the present application and of U.S. Patent Application Publication No. U.S. 2004/132935.
4. I, Palanisamy Arjunan, make the unequivocal declaration that I conceived or invented the claimed subject matter of the present application that was disclosed in U.S. Patent Application Publication No. U.S. 2004/132935.

Dec 6, 2006

Date:


Palanisamy Arjunan

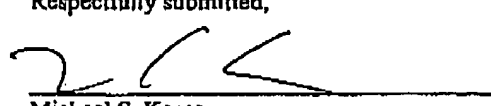
In the event a fee is required for this Affidavit, the USPTO is authorized to charge the fee to Deposit Account No. 05-1712.

Accordingly, Applicant has met the requirements under MPEP 716.10 to have Arjunan-935 removed as a reference in the instant patent application and, thus, Applicant respectfully requests that Arjunan-935 be removed.

Respectfully submitted,

12/27/06

Date:


Michael S. Kerns
Registration No. 51,233
Attorney for Applicant

Post Office Address (to which correspondence is to be sent):
ExxonMobil Chemical Company, Law Technology
P.O. Box 2149
Baytown, Texas 77522-2149
Telephone No. (281) 834-1441
Facsimile No. (281) 834-2495

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